

REMARKS

Claims 1-8, 10-19, and 22-24 are pending in the above-identified application. Claims 1-8, 10-19, and 22-24 were rejected. In the non-final office action mail December 29, 2005, the Examiner made the following disposition:

- A.) Rejected claims 1-8, 10-19, and 22-24 under 35 U.S.C. §112, first paragraph.
- B.) Rejected claims 1-8, 10-19, and 22-24 under 35 U.S.C. §103(a) as being unpatentable over *Anderson, et al. (U.S. 6,219,042)* (“*Anderson*”) in view of *Alexander, et al. (U.S. 6,177,931)* (“*Alexander*”).

Applicants respectfully traverse the rejections and address the Examiner’s disposition below. Claims 1, 4, 8, and 19 have been amended. Claim 8 has been amended to correct informalities. Claims 1, 4, and 19 have been amended as discussed below.

- A.) Rejection of claims 1-8, 10-19, and 22-24 under 35 U.S.C. §112, first paragraph:

Claims 1, 4, and 19 have each been amended as per the Examiner’s request to overcome the rejection.

Claims 2, 4, 5-8, 10-18, and 22-24 depend directly or indirectly from claims 1, 4 or 19 and are therefore allowable for at least the same reasons that claims 1, 4, and 19 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claims 1-8, 10-19, and 22-24 under 35 U.S.C. §103(a) as being unpatentable over *Anderson, et al. (U.S. 6,219,042)*(“*Anderson*”) in view of *Alexander, et al. (U.S. 6,177,931)*(“*Alexander*”):

Applicants respectfully disagree with the rejection.

Independent claims 1, 4, and 19, each as amended, each claim subject matter relating to an appliance which can be turned on and off and has an INTERNET mode of operation and a TV mode of operation. As shown in the illustrative example in Figure 3, the appliance has an INTERNET mode control 80 for selecting the INTERNET mode of operation. The appliance has the capability of coming on in the INTERNET mode if, when the appliance is off, a user activates the INTERNET mode control 80. The appliance also has a TV mode control 78 for selecting the TV mode of operation. The appliance has the capability of coming on in the TV mode if, when the appliance is off, a user activates the TV mode control 78.

Therefore, the claimed appliance can beneficially come on in INTERNET mode. This is unlike other devices, which must start in a television mode and then the user must select to change to an Internet access mode.

This is clearly unlike *Anderson* in view of *Alexander*, which fails to disclose or suggest an appliance that has an Internet mode control and a TV mode control, and in which the appliance can come on in an Internet mode if, when the appliance is off, a user activates the Internet mode control. The Examiner acknowledges that *Anderson* and *Alexander* fail to disclose or suggest this claimed subject matter.

However, the Examiner takes Official Notice that such subject matter is known in the art. Applicants disagree. The Examiner has cited no references nor provided support for the

Examiner's argument that it would have been obvious for an appliance to have both an Internet mode control and a TV mode control, and in which the appliance can come on in an Internet mode if, when the appliance is off, a user activates the Internet mode control. This claimed combination provides a beneficial improvement over conventional devices (*e.g.*, *Anderson* and *Alexander*), which must start in a television mode and then the user must select to change to an Internet access mode. Applicants respectfully request that the Examiner provide support for the Examiner's Official Notice. Applicants respectfully submit that it would not have been obvious to one having skill in the art to select an Internet mode when a device is off and the device, which is capable of coming in a TV mode or an Internet mode, comes on in the Internet mode. Applicants respectfully submit that the Examiner has used impermissible hindsight to argue that this claimed subject matter would have been obvious and has provided no support for the argument.

Therefore, *Anderson* in view of *Alexander* fails to disclose or suggest claims 1, 4, and 19.

Claims 2, 4, 5-8, 10-18, and 22-24 depend directly or indirectly from claims 1, 4 or 19 and are therefore allowable for at least the same reasons that claims 1, 4, and 19 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

I. Conclusion

In view of the above amendments and remarks, Applicant submits that claims 1-8, 10-19, and 22-24 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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